

RECEIVED
CENTRAL FAX CENTER

NOV 18 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Docket No. 02-RO-441
 Philippe GANIVET et al. : Group Art Unit: 2817
 Serial No.: 10/666,540 : Examiner: Joseph Chang
 Filed: September 19, 2003 :
 Title: *TIME BASE CIRCUIT, OSCILLATOR BASED THEREON AND
COMMUNICATING APPARATUS USING SAID OSCILLATOR*

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence [Total 9 pages = Petition (2 pgs) + Exhibit A (2 pgs) + Exhibit B (3 pgs) + Exhibit C (1 pg) + Exhibit D (1 pg)] is being deposited with the United States Postal Service with sufficient postage as first class envelope addressed to:
 Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

On 11/18/05
 Name Kathleen Schlesboe Date 11/18/05
 Signature Kathleen Schlesboe

**PETITION UNDER 37 C.F.R. §1.181 (a) TO WITHDRAW
THE HOLDING OF ABANDONMENT****VIA FACSIMILE (571) 273-8300**

MS Issue Fee
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.181 (a), the Applicants respectfully petition the Commissioner for withdrawal of the holding of Abandonment. The Notice of Abandonment, dated October 25, 2005 (see Exhibit A), states that the reason for Abandonment is "*Applicant's Failure to Timely Pay the Required Issue Fee and Publication Fee...*" because "*The Submitted Fee of \$1400 is insufficient. A balance of \$300 is due.*"

11/18/2005 CNGUYEN 00000045 500951 11076687
 01-FC-1504 02-FC-0001
 02-RO-441 300-00-00
 15-00-00

- 1 of 2 -

10/666,540

In review of our June Deposit Account Statement for Deposit Account No. **50-1556**, it appears that there were sufficient funds when our Deposit account was being charged for the issue fee (\$1,400) and publication fee (\$300) on June 21, 2005 (see Exhibit B). Note that our Issue Fee Transmittal (see Exhibit C) was timely filed (as evidenced by the stamped postcard receipt, see Exhibit D) and it authorized charging the issue fee and the publication fee to our Deposit Account No. **50-1556**. After charging our Deposit Account the \$1,400 for the issue fee, there remained a balance of \$2,136.00 available in our Deposit Account. Therefore, there were sufficient funds for the USPTO to charge the publication fee amount of \$300.00 to our Deposit Account. Applicants therefore respectfully request that the Commissioner correctly charge the publication fee amount of \$300.00 to our Deposit Account No. **50-1556**, and allow the present Patent Application No.: 10/666,540 to issue as a U.S. Patent.

Applicants believe that this petition is a non-fee petition. However, if it should be determined that a fee is required, please charge such fee to Deposit Account No. **50-1556**.

In the alternative, in the unlikely event that this petition is not granted, the Applicants respectfully request that this petition be considered a petition to revive an unintentionally abandoned patent application. Accordingly, please apply the payment of the required petition fee and publication fee, (the issue fee has already been paid), from the Deposit Account **50-1556** under 35 USC §41(a)(7) and MPEP 711.03(c) as an unintentionally abandoned patent application due to Applicants detrimental reliance on the USPTO's monthly deposit account statement indicating there were sufficient funds to pay the required issue fee and publication fee.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

Respectfully submitted,

Date: 11/18/2005

By:


Jose Gutman (Reg. No. 35,171)
Attorney for Applicants
Fleit, Kain, Gibbons, Gutman,
Bongini & Bianco, P.L.
551 Northwest 77th Street, Suite 111
Boca Raton, FL 33487
Tel. (561) 989-9811
Fax (561) 989-9812

02-RO-441

- 2 of 2 -

10/666,540

RECEIVED
CENTRAL FAX CENTER

NOV 18 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Docket No. 02-RO-441
Philippe GANIVET et al. : Group Art Unit: 2817
Serial No.: 10/666,540 : Examiner: Joseph Chang
Filed: September 19, 2003 :
Title: *TIME BASE CIRCUIT, OSCILLATOR BASED THEREON AND
COMMUNICATING APPARATUS USING SAID OSCILLATOR*

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence [Total 9 pages = Petition (2 pgs) + Exhibit A (2 pgs) + Exhibit B (3 pgs) + Exhibit C (1 pg) + Exhibit D (1 pg)] is being deposited with the United States Postal Service with sufficient postage as first class envelope addressed to:
Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

On

11/18/05

Date

Name

Signature

PETITION UNDER 37 C.F.R. §1.181 (a) TO WITHDRAW
THE HOLDING OF ABANDONMENTVIA FACSIMILE (571) 273-8300

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.181 (a), the Applicants respectfully petition the Commissioner for withdrawal of the holding of Abandonment. The Notice of Abandonment, dated October 25, 2005 (see Exhibit A), states that the reason for Abandonment is "*Applicant's Failure to Timely Pay the Required Issue Fee and Publication Fee...*" because "*The Submitted Fee of \$1400 is insufficient. A balance of \$300 is due.*"

02-RO-441

- 1 of 2 -

10/666,540

In review of our June Deposit Account Statement for Deposit Account No. **50-1556**, it appears that there were sufficient funds when our Deposit account was being charged for the issue fee (\$1,400) and publication fee (\$300) on June 21, 2005 (see Exhibit B). Note that our Issue Fee Transmittal (see Exhibit C) was timely filed (as evidenced by the stamped postcard receipt, see Exhibit D) and it authorized charging the issue fee and the publication fee to our Deposit Account No. **50-1556**. After charging our Deposit Account the \$1,400 for the issue fee, there remained a balance of \$2,136.00 available in our Deposit Account. Therefore, there were sufficient funds for the USPTO to charge the publication fee amount of \$300.00 to our Deposit Account. Applicants therefore respectfully request that the Commissioner correctly charge the publication fee amount of \$300.00 to our Deposit Account No. **50-1556**, and allow the present Patent Application No.: 10/666,540 to issue as a U.S. Patent.

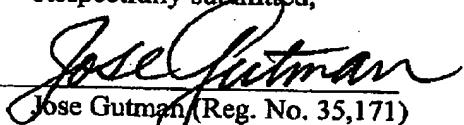
Applicants believe that this petition is a non-fee petition. However, if it should be determined that a fee is required, please charge such fee to Deposit Account No. **50-1556**.

In the alternative, in the unlikely event that this petition is not granted, the Applicants respectfully request that this petition be considered a petition to revive an unintentionally abandoned patent application. Accordingly, please apply the payment of the required petition fee and publication fee, (the issue fee has already been paid), from the Deposit Account **50-1556** under 35 USC §41(a)(7) and MPEP 711.03(c) as an unintentionally abandoned patent application due to Applicants detrimental reliance on the USPTO's monthly deposit account statement indicating there were sufficient funds to pay the required issue fee and publication fee.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

Date: 11/18/2005

By:

Respectfully submitted,

Jose Gutman (Reg. No. 35,171)
Attorney for Applicants
Fleit, Kain, Gibbons, Gutman,
Bongini & Bianco, P.L.
551 Northwest 77th Street, Suite 111
Boca Raton, FL 33487
Tel. (561) 989-9811
Fax (561) 989-9812

02-RO-441

- 2 of 2 -

10/666,540